



February 25, 2005

HOUSE BILL No. 1530

DIGEST OF HB 1530 (Updated February 24, 2005 1:41 pm - DI 113)

Citations Affected: IC 9-24; IC 20-8.1; noncode.

Synopsis: Mandatory school attendance age. Raises the age of mandatory school attendance from 16 to 18 years of age. Specifies that a student may withdraw from school before becoming 18 years of age only for the reason of financial hardship, provided the student is employed and supporting the student's family or dependents. Requires a student who seeks to withdraw from school before becoming 18 years of age or graduating to sign a written acknowledgment that the student and the student's parent or guardian understand that withdrawing from school is likely to reduce the student's future earnings and increase the student's likelihood of being unemployed or incarcerated in the future. Requires the department of education to develop a written consent to withdraw from school form for a school corporation to use in implementing the written acknowledgment. Expands the reasons a work permit and driver's license may be denied. Requires the principal of the school the student last attended to notify the department of child labor and the bureau of motor, if a student has not received consent to withdraw from school and the student fails to return to school.

Effective: Upon passage; July 1, 2005.

**Messer, Woodruff, Walorski,
Behning**

January 18, 2005, read first time and referred to Committee on Education.
January 27, 2005, amended, reported — Do Pass.
January 31, 2005, referred to Committee on Ways and Means pursuant to House Rule 127.
February 24, 2005, amended, reported — Do Pass.

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HB 1530—LS 7735/DI 109+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1530

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-24-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A driver's license or a
3 learner's permit may not be issued to an individual less than eighteen
4 (18) years of age who meets any of the following conditions:

5 (1) Is a habitual truant under IC 20-8.1-3-17.2.

6 (2) Is under at least a second suspension from school for the
7 school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.

8 (3) Is under an expulsion from school under IC 20-8.1-5.1-8,
9 IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

10 (4) Has withdrawn from school, for a reason other than financial
11 hardship and the withdrawal was reported under
12 IC 20-8.1-3-24(a) before graduating.

13 (5) **Is considered a dropout under IC 20-8.1-3-17.7.**

14 (b) At least five (5) days before holding an exit interview under
15 ~~IC 20-8.1-3-17(b)(2)~~, **IC 20-8.1-3-17.7**, the school corporation shall
16 give notice by certified mail or personal delivery to the student, the
17 student's parent, or the student's guardian of the following:



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(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:

(A) the student and the student's parent or guardian will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau **by the student's school principal** for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 2. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until ~~the date on which~~ the individual **meets one (1) of the following conditions, whichever occurs first:**

(1) Graduates.

(2) Reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and **meets** the requirements under ~~subsection (j) concerning an exit interview are met~~ **section 17.6 or 17.7 of this chapter**, enabling the individual to withdraw from school before graduation. ~~or~~

(3) Reaches at least eighteen (18) years of age.

~~whichever occurs first:~~

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the

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1 school corporation in which the individual is enrolled in Indiana;
 2 or
 3 (2) if the individual is enrolled outside Indiana, for the number of
 4 days the public schools are in session where the individual is
 5 enrolled.

6 (e) In addition to the requirements of subsections (a) through (d), an
 7 individual must be at least five (5) years of age on July 1 of the
 8 2001-2002 school year or any subsequent school year to officially
 9 enroll in a kindergarten program offered by a school corporation.
 10 However, subject to subsection (g), the governing body of the school
 11 corporation shall adopt a procedure affording a parent of an individual
 12 who does not meet the minimum age requirement set forth in this
 13 subsection the right to appeal to the superintendent of the school
 14 corporation for enrollment of the individual in kindergarten at an age
 15 earlier than the age that is set forth in this subsection.

16 (f) In addition to the requirements of subsections (a) through (e),
 17 and subject to subsection (g), if an individual enrolls in school as
 18 permitted under subsection (b) and has not attended kindergarten, the
 19 superintendent of the school corporation shall make a determination as
 20 to whether the individual shall enroll in kindergarten or grade 1 based
 21 on the particular model assessment adopted by the governing body
 22 under subsection (g).

23 (g) To assist the principal and governing bodies, the department
 24 shall do the following:

25 (1) Establish guidelines to assist each governing body in
 26 establishing a procedure for making appeals to the superintendent
 27 of the school corporation under subsection (e).

28 (2) Establish criteria by which a governing body may adopt a
 29 model assessment which will be utilized in making the
 30 determination under subsection (f).

31 (h) If the parents of an individual who would otherwise be subject
 32 to compulsory school attendance under subsection (b), upon request of
 33 the superintendent of the school corporation, certify to the
 34 superintendent of the school corporation that the parents intend to:

35 (1) enroll the individual in a nonaccredited, nonpublic school; or

36 (2) begin providing the individual with instruction equivalent to
 37 that given in the public schools as permitted under section 34 of
 38 this chapter;

39 not later than the date on which the individual reaches seven (7) years
 40 of age, the individual is not bound by the requirements of this chapter
 41 until the individual reaches seven (7) years of age.

42 (i) The governing body of each school corporation shall designate

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the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.~~

~~(k)~~ **(j)** For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 3. IC 20-8.1-3-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

- (1) a definition of a student who is designated as a habitual truant **who must be defined at a minimum as someone who is chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;**
- (2) the procedures under which subsection (b) will be administered; and
- (3) all other pertinent matters related to this action.

(b) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or learner's permit, and subject to subsections (c) through (e), a person who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;
- (2) a habitual truant under the definition of habitual truant established under subsection (a); and
- (3) identified in a list submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle or motorcycle under IC 9-24 until the person is at least eighteen (18) years of age.

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(c) A person described in subsection (b) is entitled to the procedure described in IC 20-8.1-5.1-13.

(d) Each person described in subsection (b) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of that person's attendance record in school in order to determine whether the prohibition described in subsection (b) shall continue. In no event may the periodic reviews be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the person's attendance record has improved to the degree that the person may become eligible to be issued an operator's license or a learner's permit.

(f) Before February 1 and before October 1 of each year, the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning a person's ineligibility under subsection (b) to be issued the license or permit.

(g) The department of education shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (a).

SECTION 4. IC 20-8.1-3-17.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17.6. (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a nonpublic nonaccredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation; and

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 5. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17.7. (a) This section applies to an individual:**

(1) who:

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- 1 (A) attends or last attended a public or nonpublic
 2 accredited school;
 3 (B) is at least sixteen (16) years of age but less than
 4 eighteen (18) years of age; and
 5 (C) has not completed the requirements for graduation;
 6 (2) who:
 7 (A) wishes to withdraw from school before graduation;
 8 (B) fails to return at the beginning of a semester; or
 9 (C) stops attending school during a semester; and
 10 (3) who has no record of transfer to another school.
 11 (b) An individual to whom this section applies may withdraw
 12 from school only if all the following conditions are met:
 13 (1) An exit interview is conducted.
 14 (2) The individual's parent consents to the withdrawal.
 15 (3) The school principal approves of the withdrawal.
 16 (4) The withdrawal is because of financial hardship and the
 17 individual is employed to support the individual's family or
 18 dependents.
 19 (5) The school principal provides to the student and the
 20 student's parent a copy of statistics compiled by the
 21 department concerning the likely consequences of life without
 22 a high school diploma.
 23 (6) The school principal advises the student and the student's
 24 parent that a driver's license or learner's permit may be
 25 revoked and may not be issued to the student upon the
 26 student's withdrawal from school, for a reason other than
 27 financial hardship.
 28 (7) The school principal advises the student and the student's
 29 parent that an employment certificate may be revoked and
 30 may not be issued to the student upon the student's
 31 withdrawal from school, for a reason other than financial
 32 hardship.
 33 (c) For purposes of this section, the following must be in written
 34 form:
 35 (1) An individual's request to withdraw from school.
 36 (2) A parent's consent to a withdrawal.
 37 (3) A principal's consent to a withdrawal.
 38 (d) If the individual's principal does not consent to the
 39 individual's withdrawal under this section, the individual's parent
 40 may appeal the denial of consent to the governing body of the
 41 public or nonpublic accredited school that the individual last
 42 attended.

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(e) Each public school, including each school corporation and each charter school (as defined in IC 20-5.5-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

(A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-8.1-4-12, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or subsection (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified

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mail or personal delivery. For purposes of IC 20-8.1-4-12 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 6. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except as provided in subsection (b)**, upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

(1) whose attendance is not in good standing; or

(2) whose academic performance does not meet the school corporation's standard.

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

(1) Is a habitual truant under IC 20-8.1-3-17.2.

(2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.

(3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

(4) Is considered a dropout under IC 20-8.1-3-17.7.

(5) Does not meet the academic performance standards of the school corporation.

~~(b)~~ (c) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

~~(c)~~ (d) A student may appeal the denial of a certificate under subsection (a) to the school principal.

(e) At least five (5) days before holding an exit interview under IC 20-8.1-3-17.7, the school corporation shall give notice by certified mail or personal delivery to the student or the student's parent of the following:

(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:

(A) the student and the student's parent will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau of child labor by the student's school principal for the bureau of child labor's use in denying or invalidating an employment certificate under this section.

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1 SECTION 7. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1,
2 2005].

3 SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **The department**
4 **of education shall develop a form for the written consent to**
5 **withdraw from school for a school corporation's use in**
6 **implementing IC 20-8.1-3-17.7, as added by this act.**

7 (b) **The department of education shall compile and make**
8 **available to schools statistics concerning the likely consequences of**
9 **life without a high school diploma. The statistics must include, but**
10 **are not limited to, statistics that show the likelihood of an**
11 **individual's:**

12 (1) **unemployment or a lower paying job; and**

13 (2) **involvement in criminal activity;**

14 **as the consequence of not obtaining a high school diploma.**

15 (c) **The department of education shall update the statistics**
16 **described in subsection (b) every two (2) years.**

17 (d) **This SECTION expires December 31, 2005.**

18 **SECTION 9. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1530, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 27, after "interview" delete "," and insert ":

(A)".

Page 3, line 30, after "school" delete "." and insert ";".

Page 3, between lines 30 and 31, begin a new line double block indented and insert:

"(B) the school principal provides to the student a copy of statistics compiled by the department of education concerning the likely consequences of life without a high school diploma; and

(C) the school principal advises the student that a driver's license may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship (as prescribed under IC 9-24-2-1)."

Page 3, after line 32, begin a new paragraph and insert:

"(l) A written acknowledgment of withdrawal provided under subsection (j) must include a statement that the student and the student's parent or guardian understand that withdrawing from school is likely to:

- (1) reduce the student's future earnings; and**
- (2) increase the student's likelihood of being unemployed or incarcerated in the future.**

SECTION 2. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.7. (a) This section applies to an individual who:

- (1) is at least sixteen (16) years of age but less than eighteen (18) years of age;**
- (2) has not completed the requirements for graduation; and**
- (3) wishes to withdraw from school before graduation.**

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.**
- (2) The individual's parent consents to the withdrawal.**
- (3) Upon making a determination that the individual will not benefit from continuing in school, the principal of the individual's school consents to the withdrawal.**
- (4) The withdrawal is based on the individual's need to be**

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employed to support the individual's family or dependents.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the principal of an individual's school does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the school corporation.

(e) This subsection does not apply to a home school. A school corporation, nonpublic school (as defined in IC 20-10.1-1-3), or charter school (as defined in IC 20-5.5-1-4) shall provide an annual report to the department setting forth the following information for the year most recently ended:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;
 and for whom there is no record of transfer to another school.

- (2) The number of individuals who withdrew from school for each reason set forth in subsection (b)(4).

SECTION 3. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The department of education shall develop a form for the written consent to withdraw from school for a school corporation's use in implementing IC 20-8.1-3-17(j), as amended by this act.

(b) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

- (1) unemployment or a lower paying job; and
- (2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(c) This SECTION expires December 31, 2005.

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SECTION 5. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to HB 1530 as introduced.)

BEHNING, Chair

Committee Vote: yeas 11, nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1530, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1530 as printed January 28, 2005.)

ESPICH, Chair

Committee Vote: yeas 20, nays 2.

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